

Message Text

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APPROVED BY L/AF:BKHUFFMAN

AF - AMB. MOORE

EUR/IB - MR. DURKEE

AF/C - J.H. DIGGS

IO/UNP - MR. R. REIS

----- 025758

P 252052Z SEP 74

FM SECSTATE WASHDC

TO AMEMBASSY YAOUNDE PRIORITY

AMCONSUL DOUALA PRIORITY

AMEMBASSY MADRID PRIORITY

USMISSION USUN NEW YORK PRIORITY

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C O R R E C T E D C O P Y (PARA 5 NEXT TO LAST LINE OF TEXT)

E.O. 11652: N/A

TAGS: PFOR, CPRS, GIT, EK

SUBJECT: ALLOTEY TRIAL

1. FOR YAOUNDE, DOUALA: DEPARTMENT WITH AMBASSADOR
MOORE CONCURRENCE REQUESTS EMBASSY ARRANGE FOR CONSUL
MITHOEFER TO HAND DELIVER NOTE AT PARA 4 TO MR.
MASIE NTUTUMU, GOEG SECRETARY OF STATE FOR HEALTH
AND PRIVATE SECRETARY TO PRESIDENT. REQUEST
MITHOEFER STRONGLY EMPHASIZE URGENCY OF NOTE'S
CONTENTS AND CRITICAL IMPORTANCE OF GOEG REP'S
PARTICIPATION IN TRIAL AND PRODUCTION OF ORIGINAL
RECORDS OF RELEVANT TRANSACTIONS. RECORDS SHOULD
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INCLUDE ORIGINAL COPIES (NOT CARBON OR OFFSET

COPIES) OF ALL TELEGRAPHIC OR WRITTEN COMMUNICATIONS FROM ALLOTEYS OR STEPHEN & COMPANY AND COPIES OF GOEG COMMUNICATIONS TO ALLOTEYS AND STEPHEN & COMPANY. RECORDS SHOULD ALSO INCLUDE ORIGINAL COPIES OF COMMERCIAL DOCUMENTS, MEMORANDA AND ALL OTHER RELEVANT MATERIAL, IN SHORT, THE ENTIRE ORIGINAL FILE (IF SUCH EXISTS). FAILURE OF GOEG REPS TO APPEAR OR PRODUCE NECESSARY ORIGINAL RECORDS CAN BE EXPECTED TO RESULT IN PROMPT DISMISSAL OF CHARGES AGAINST ALLOTEYS. SHOULD GOEG INQUIRE ABOUT POSSIBLE USG PAYMENT OF TRAVEL EXPENSES, YOU SHOULD REPORT THIS REQUEST. THERE MAY BE FUNDS AVAILABLE FOR THIS PURPOSE IF GOEG UNLIKELY OTHERWISE TO AUTHORIZE TRAVEL TO NEW YORK.

2. FOR MADRID: REQUEST YOU PASS COPY OF NOTE TO GARCIA TREVIJANO FOR HIS INFORMATION.

3. FOR USUN: REQUEST YOU PASS COPY OF NOTE TO PERM REP OF EQUATORIAL GUINEA AND INFORM HIM THAT WE WILL BE PRESENTING NOTE IN MALABO.

4. QUOTE: EL GOBIERNO DE LOS ESTADOS UNIDOS DESEA INFORMAR AL GOBIERNO DE LA REPUBLICA DE GUINEA ECUATORIAL QUE EL JUICIO DE ADDOQUAYE Y ENID TYLER ALLOTEY COMENZARA A CELEBRARSE EL 7 DE NOVIEMBRE DE 1974, EN EL TRIBUNAL DE DISTRITO DE LOS ESTADOS UNIDOS PARA EL DISTRITO ORIENTAL DE NUEVA YORK.

- EL SR. Y LA SRA. DE ALLOTEY FUERON ENJUICIADOS EL 22 DE ENERO DE 1973 HABIENDOSELES FORMULADO CARGOS DE HABER VIOLADO LEYES DE LOS ESTADOS UNIDOS CONTRA EL USO DEL SERVICIO POSTAL Y CABLEGRAFICO PARA FINES FRAUDULENTOS. (SECCIONES 1341 Y 1343 DEL TITULO 18 DEL CODIGO DE LOS ESTADOS UNIDOS.) TALES CARGOS EMANARON DE LA PARTICIPACION DE LOS ALLOTEY EN UN PLAN POR MEDIO DEL CUAL ADQUIRIERON Y VENDIERON, VALIENDOSE DE MEDIOS FRAUDULENTOS, UNA CANTIDAD CONSIDERABLE DE GRANOS DE CACAO, DE PROPIEDAD DEL GOBIERNO DE LA REPUBLICA DE GUINEA ECUATORIAL. DESPUES DE QUE SE LIMITED OFFICIAL USE

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UBICO A LOS ALLOTEY EN GHANA, EL GOBIERNO DE LOS ESTADOS UNIDOS, EL 22 DE FEBRERO DE 1973, SOLICITO SU EXTRADICION POR PARTE DEL GOBIERNO DE GHANA. DESPUES DE PROLONGADOS PROCEDIMIENTOS JUDICIALES INSTITUIDOS POR LOS ALLOTEY, LA EXTRADICION TUVO LUGAR EL 1 DE AGOSTO DE 1974.

- A LOS EFECTOS DE DEMOSTRAR LA CAUSA CONTRA LOS ALLOTEY, EL GOBIERNO DE LOS ESTADOS UNIDOS SOLICITA QUE ALFREDO

MUKUDO NANGA (PRESIDENTE DE LA CAMARA DE AGRICULTURA DE GUINEA ECUATORIAL DURANTE LA EPOCA DE LAS ACTIVIDADES DE LOS ALLOTEY QUE AFECTAN A GUINEA ECUATORIAL)Y EDUARDO ONDO MBA (ANTERIORMENTE ENCARGADO DE NEGOCIOS Y REPRESENTANTE INTERINO DE LA REPUBLICA DE GUINEA ECUATORIAL ANTE LAS NACIONES UNIDAS) SE TRASLADEN A NUEVA YORK CON EL PROPOSITO DE ATESTIGUAR Y PRESENTAR DOCUMENTOS DURANTE EL JUICIO. EL GOBIERNO DE LOS ESTADOS UNIDOS ASIMISMO SOLICITA QUE EL GOBIERNO DE LA REPUBLICA DE GUINEA ECUATORIAL PONGA A SU DISPOSICION, CON FINES PROBATORIOS DURANTE EL JUICIO, Y POR CONDUCTO DE LAS PERSONAS ANTES MENCIONADAS, TODOS LOS REGISTROS ORIGINALES RELATIVOS A TODAS LAS TRANSACCIONES DESDE AGOSTO DE 1970 ENTRE LOS ALLOTEY, SU COMPANIA, STEPHEN AND COMPANY, Y LA REPUBLICA DE GUINEA ECUATORIAL. SEGUN SE SENALA, DICHS REGISTROS DEBEN SER DOCUMENTOS ORIGINALES A LOS EFECTOS DE PODER SER ADMITIDOS COMO ELEMENTOS DE PRUEBA EN UN TRIBUNAL DE LOS ESTADOS UNIDOS. DEBERIAN INCLUIR TODAS LAS COMUNICACIONES ESCRITAS Y TELEGRAFICAS DIRIGIDAS A Y PROCEDENTES DE LOS ALLOTEY O STEPHEN AND COMPANY, ASI COMO TODOS LOS MEMORANDUMES U OTROS REGISTROS DE TRANSACCIONES AFINES.

- ADEMAS DE LA SOLICITUD QUE ANTECEDE, EL GOBIERNO DE LOS ESTADOS UNIDOS RECOMIENDA QUE EL GOBIERNO DE LA REPUBLICA DE GUINEA ECUATORIAL RETENGA EN LOS ESTADOS UNIDOS LOS SERVICIOS DE UN ABOGADO A LOS EFECTOS DE QUE LO ASESORE SOBRE SI EL PROCEDIMIENTO PENAL CONTRA LOS ALLOTEY REVELA LAS BASES PARA UN PROCEDIMIENTO CIVIL POR DANOS PECUNIARIOS POR PARTE DEL GOBIERNO DE LA REPUBLICA DE GUINEA ECUATORIAL CONTRA PERSONAS Y COMPANIAS. CLOSE QUOTE.

5. FOR POSTS' GUIDANCE, ENGLISH TEXT OF NOTE FOLLOWS:

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- "THE USG WISHES TO INFORM GOVERNMENT OF THE REPUBLIC OF EQUITORIAL GUINEA THAT THE TRIAL OF ADDOQUAYE AND ENID TYLER ALLOTEY IS SCHEDULED TO COMMENCE NOVEMBER 7, 1974, IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK.

- MR. AND MRS. ALLOTEY WERE INDICTED JANUARY 22, 1973 ON CHARGES OF VIOLATING UNITED STATES LAWS AGAINST THE USE OF THE MAIL AND WIRES FOR FRAUDULENT PURPOSES. (TITLE 18, U.S. CODE, SECTION 1341 AND 1343.) THE CHARGES AROSE FROM THE INVOLVEMENT OF THE ALLOTEYS IN A SCHEME WHEREBY THEY ACQUIRED AND SOLD, THROUGH FRAUDULENT MEANS, A SUBSTANTIAL QUANTITY OF COCAO BEANS OWNED BY THE GOVERNMENT OF THE REPUBLIC OF EQUITORIAL GUINEA. AFTER THE ALLOTEYS WERE LOCATED IN GHANA, THE UNITED STATES GOVERNMENT, ON

FEBRUARY 22, 1973, REQUESTED THEIR EXTRADITION BY THE GOVERNMENT OF GHANA. AFTER EXTENSIVE JUDICIAL PROCEEDINGS INSTITUTED BY THE ALLOTEYS, EXTRADITION WAS EFFECTED AUGUST 1, 1974.

- TO ENABLE IT TO PROVE THE CASE AGAINST THE ALLOTEYS, THE UNITED STATES GOVERNMENT REQUESTS THAT ALFRED MUKUDO NANGA (PRESIDENT OF THE CHAMBER OF AGRICULTURE OF EQUATORIAL GUINEA DURING THE ALLOTEY'S ACTIVITIES AFFECTING EQUATORIAL GUINEA), EDUARDO ONDO MBA (FORMERLY CHARGE D'AFFAIRS AND INTERIM REPRESENTATIVE OF THE REPUBLIC OF EQUATORIAL GUINEA TO THE UNITED NATIONS) TRAVEL TO NEW YORK TO TESTIFY AND PRODUCE DOCUMENTS AT THE TRIAL. THE UNITED STATES GOVERNMENT ALSO REQUESTS THAT THE GOVERNMENT OF THE REPUBLIC OF EQUATORIAL GUINEA MAKE AVAILABLE, FOR EVIDENTIARY USE AT THE TRIAL, THROUGH THE ABOVE-NAMED PERSONS, ALL ORIGINAL RECORDS RELATING TO ALL TRANSACTIONS BETWEEN THE ALLOTEYS, THEIR COMPANY, STEPHEN AND COMPANY, AND THE REPUBLIC OF EQUATORIAL GUINEA SINCE AUGUST, 1970. AS NOTED THESE RECORDS MUST BE THE ORIGINAL COPY TO BE ADMISSIBLE AS EVIDENCE IN A COURT IN THE UNITED STATES. THEY SHOULD INCLUDE ALL WRITTEN AND TELEGRAPHIC COMMUNICATIONS TO AND FROM THE ALLOTEYS OR STEPHEN & COMPANY AND ALL MEMORANDA OR OTHER RECORDS OF RELATED TRANSACTIONS.

- IN ADDITION TO THE ABOVE REQUEST, THE UNITED STATES
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GOVERNMENT RECOMMENDS THAT THE GOVERNMENT OF THE REPUBLIC OF EQUATORIAL GUINEA RETAIN LEGAL COUNSEL IN THE UNITED STATES TO ADVISE IT AS TO WHETHER THE CRIMINAL PROCEEDINGS AGAINST THE ALLOTEYS DISCLOSE A BASIS FOR CIVIL ACTIONS FOR MONEY DAMAGES BY THE GOVERNMENT OF THE REPUBLIC OF EQUATORIAL GUINEA AGAINST PERSONS AND COMPANIES.
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